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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,890	03/16/2006	Hugh W. Adams Jr.	YOR920020357US2	6517
47049	7590	10/16/2008		
FERENCE & ASSOCIATES LLC 409 BROAD STREET PITTSBURGH, PA 15143			EXAMINER PATIL, MANGLESH M	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 10/16/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/539,890

**Applicant(s)**

ADAMS JR. ET AL.

**Examiner**

MANGLESH M. PATEL

**Art Unit**

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This **FINAL** action is responsive to the amendment filed on 7/23/2008.
2. In the amendment Claims 1-20 are pending. Claim 20 is new. Claims 1, 10 and 19 are the independent claims.

**Withdrawn Rejections**

3. The Double Patenting rejections of claim 1-19 have been withdrawn in light of the amendment.
4. The 25 U.S.C. 101 rejection of claim 1 has been withdrawn in light of the amendment.

**Claim Rejections - 35 USC § 112**

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Independent Claims 1, 10 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims describe selecting a label from a predefined set of descriptors further describing assigning a new label not present in pre-defined set of descriptors. The claimed limitations are contradictory to each other. It is unclear why labels are selected from a predefined set then not used.

**Claim Rejections - 35 USC § 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
  
A person shall be entitled to a patent unless –  
  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
8. Claims 1-20 remain rejected under 35 U.S.C. 102(b) as being anticipated by Vegas (Vegas 2.0 Users Manual, 2000, Sonic Foundry, pgs 1-411 (In PDF Format)).

**Regarding Independent claims 1, 10 and 19,** An apparatus for managing multimedia content, said apparatus comprising: a processor; an arrangement for supplying multimedia content; an input interface for permitting the selection, for observation, of at least one of the following modes associated with the multimedia content: an audio portion that includes video; and a video portion that includes audio; and an arrangement for annotating observations of a selected mode; wherein said arrangement for annotating observations of a selected mode comprises: an arrangement for assigning semantic, multimedia content-based labels to segments of said observations of a selected mode; and an arrangement for storing said semantic, multimedia content-based labels with the multimedia content to support retrieval of a segment of said observations of a selected mode based upon its multimedia content; wherein said arrangement for assigning semantic, multimedia content-based labels comprises performing at least one of: selecting a label from a predefined set of multimedia content descriptors; and assigning a new label not present in said predefined set of multimedia content descriptors.

Vegas teaches a video editing software that includes an arrangement for supplying multimedia content such as the videos in the timeline shown in the figure (see page 29 in PDF format). The user selects the video or the audio for editing in the interface furthermore allowing the observation of each as shown along the timeline. The track view holds both video and audio annotations thus including observations of an audio portion that includes video or a video portion that includes audio. Furthermore the editing software allows the user to arrange the video mode or the audio mode for annotation along the timeline (see pages 45-107 & 109-119). **These annotations include selecting a semantic label from a predefined set of multimedia content descriptors such as the transitions defined from the set in page 299 and then associating those transitions to the multimedia segments.**

**Regarding Dependent claims 2 and 11,** Vegas discloses wherein said input interface permits the selection, for observation, of both of the following associated with the multimedia content: an audio portion that includes video; and a video portion that includes audio (pages 29 & 45-107, including the explanation provided in the Independent claim).

**Regarding Dependent claims 3 and 12,** Vegas discloses wherein said input interface additionally permits the selection, for observation, of solely a video portion of multimedia content (pages 29 & 45-107, including the explanation provided in the Independent claim).

**Regarding Dependent claims 4 and 13,** Vegas discloses wherein said input interface additionally permits the selection, for observation, of solely an audio portion of multimedia content (pages 29 & 45-107, including the explanation provided in the Independent claim).

**Regarding Dependent claims 5 and 14,** Vegas discloses wherein said arrangement for supplying multimedia content comprises a working memory which stores annotated multimedia files in an industry standard format (pages 29 & 45-107, including the explanation provided in the Independent claim).

**Regarding Dependent claims 6 and 15,** Vegas discloses wherein said input interface is adapted to: first permit the selection of a multimedia file and then permit the selection of said at least one of: an audio portion simultaneously with video; and a video portion simultaneously with audio (pages 29 & 45-107, including the explanation provided in the Independent claim).

**Regarding Dependent claims 7 and 16,** Vegas discloses a working memory for saving the annotated observations of a selected mode (pages 29 & 45-107, including the explanation provided in the Independent claim).

**Regarding Dependent claims 8 and 17,** Vegas discloses wherein said input interface is adapted to permit the selection, for observation, at least the following mode associated with the multimedia content: a video portion that includes audio (pages 29 & 45-107, including the explanation provided in the Independent claim).

**Regarding Dependent claims 9 and 18,** Vegas discloses wherein said input interface comprises: an arrangement for permitting the selection, for observation, of a video mode of multimedia content; and an arrangement for selectably adding audio to the video mode for observation (pages 29 & 45-107, including the explanation provided in the Independent claim).

**Regarding Dependent claim 20**, with Dependency of claim 5, Vegas discloses wherein said industry standard format is MPEG-7 (pg 378, wherein Vegas discloses MPEG format including newer streaming formats thus providing a suggestion for formats such as MPEG-7).

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

#### Response to Arguments

9. Applicant's arguments filed 7/23/2008 have been fully considered but are not persuasive. Applicant Argues: Furthermore, Vegas fails to teach annotating multimedia files by selecting annotations from predefined sets of descriptors, including nested lists of common objects and groups of objects commonly found in multimedia files, or by entering an annotation into a text box if the desired annotation is not included in a predefined set (pg 11, paragraph 2)

This is opposed to the editing of actual video and audio components of multimedia files themselves described in Vegas, (pg 12, paragraph 2)

The Examiner Respectfully Disagrees: The editing software allows the user to arrange the video mode or the audio mode for annotation along the timeline (see pages 45-107 & 109--119). These annotations include selecting a semantic label from a predefined set of multimedia content descriptors such as the transitions defined from the set in page 299 and then associating those transitions to the multimedia segments. Furthermore describing annotations into a text box not included in a predefined set such as titles described in pg 285. Furthermore Vegas supports the inclusion of metadata markers in video segments for retrieving labeled sections of a multimedia file (see pgs 21 & 131 & 135).

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached M-W & F from 6 am-1:30 pm & TH from 6 am -4 pm .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel  
Patent Examiner (AU 2178)  
October 10, 2008

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